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1851

VINDICATION

OF THE

HOUSE OF LORDS,

Parliamentary
No. 1,
The House

and, &c., &c.

In a Series of Letters,

ADDRESSED

TO THE EDITOR OF THE TIMES.

BY

ENEAS MACDONNELL, ESQ.

BARRISTER AT LAW.

I will maintain to the last hour of my life, the independence and privileges of this House.
Speech of ENEAS MACDONNELL, p. 12 of this publication.

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VINDICATION OF THE HOUSE OF LORDS.

LETTER I.

SIR,

LIBRARY SETS
In the year 1831, when submitting to the Irish public my views respecting an important question, I observed upon the position of my country, that "all who love her pity her, and mourn over her condition and prospects."

The calamities which were then apprehended are now unhappily realized, and we recognize their pernicious results.

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But then, it may be asked, why should I interpose? I answer this interrogatory—first, by stating that it comes with little grace or consistency from the professed advocates of free discussion: and secondly, I answer it by putting another question—Why should I not interpose? Those who object to my interference could not name a single individual more involved in the present circumstances than the late agent of the Roman Catholics of Ireland; or one more entitled by services, to think, and speak, and write, of Ireland, than myself. Yet, I can with perfect truth declare, that if I were governed merely by personal considerations, I should still adhere to the habit of silent endurance which I have hitherto preferred, notwithstanding the excitements of unparalleled provocation.

HARDING
In consequence of the public statement of my views upon the obligations of the Roman Catholic oath, I have been assailed by men whose hearts (if they have hearts) should recoil from any imputation or suggestion that could give me the slightest pain. I have been calumniated by that portion of the Irish press which claims to be considered pre-eminently liberal and independent, at the same time that they take care not to insert one line of the publications against which they seek to raise an outcry, even although money was offered by me in one instance, for the insertion. My name, when noticed in the House of Commons, last June, by a Right Hon. Baronet, with whom I have not the honour of enjoying the slightest acquaintance, was received by shouts of hostile incivility by Irish members, marshalled by the ostentatiously prominent voice of Mr. O'Connell: yet, the only measure

of retaliation resorted to by me was to send, on the next day, a copy of each of my pamphlets on the oath to every Roman Catholic member of the two houses of parliament. In the committee for enquiry as to bribery at elections, I have been traduced by a witness, the Rev. John Sheehan, produced by Mr. Sheil, who was present, and assisted at his examination. I remonstrated against the proceedings, but was informed that the committee did not think it necessary to take any steps respecting it. The Most Rev. Dr. McHale has also introduced into one of his letters some vilifying insinuations respecting my conduct, and the Rev. Mr. McDonnell, of Birmingham, has joined in the calumnious assault. These and similar demonstrations have more than once prompted the ejaculation, that it was well for the Catholic Lord Monteagle, of 1605, that his discovery and counteraction of the Gunpowder-plot did not occur in our times.

I think I may be permitted to claim some credit for an indisposition to be moved by personal resentments, when I assure you that, when those attacks were made, I possessed, as I still do possess, most ample means of confounding every one of those assailants, principally by proofs emanating from themselves. Here I should add that, being anxious that the subject should be fully and fairly considered, I forwarded last June copies of each of my three pamphlets to every one of the Roman Catholic prelates of Ireland; and, although four or five months have elapsed since they were delivered to them, and to the Catholic members of parliament, I have not received from any one of them, nor have I read in any publication of any kind, one word controverting any one of my statements. In addition to this important and undeniable position, I feel well justified in referring to the fact, that the Irish Church Bill did not receive the support of the Duke of Norfolk, or Lords Shrewsbury, Fingall, Stourton, Petre, or Arundell, who were all within a few hours' journey of London; or of Lord Stafford, who was in Brussels, and could, of course, have attended in his place in parliament, without much inconvenience. Nor should I omit here to add, that all those Catholic Peers are general supporters of the present Government, and that there never was an occasion when that Government stood so much in need of the support and attendance of its friends, in the Upper House of Parliament.

Sir, you will readily imagine that these plain, incontrovertible facts, so far from raising doubts in my mind, must rather confirm my former impressions. I do adhere to my views upon the obligations of the Roman Catholic oath. Again and again have I considered the subject, and turned to every document that could assist my judgment, and all my reflections and references have tended to the settlement of my opinion; parti-

icularly when aided by the fact, that, although many have assailed me, nobody has attempted to answer me. Will any one of them venture to do so, even now ?

Never was more cruel cajolery practised than by some of the supporters of that Church Bill: I have considered it repeatedly with anxious attention, and I now declare my decided conviction that the rejection, by the House of Lords, of several of its clauses was a great boon and blessing to Ireland ; and that any bill containing such clauses, instead of being considered a measure of concession and pacification, should be deemed and entitled a bill to perpetuate religious and political discord and discontent in Ireland, and to place the Roman Catholic clergy of that country in a position most painfully invidious and embarrassing.

Nothing can be less warranted by justice or truth than the censures and attacks raised against the house of Lords, for their conduct in reference to this and other bills sent up to them from the Commons, in the last session. Sir, that there has been guilty conduct somewhere, perhaps in more quarters than one, I am not disposed to deny ; but I am at this moment perfectly prepared to sustain, by unquestionable Whig proofs and authorities, that the guilt is not with the House of Lords, but with those who, in the House of Commons, and in the Ministry, and its supporters and patrons, have raised the outcry against their Lordships. Nay more, what I most complain of is this, and without which I probably should not have interfered, at all, in this part of the controversy,—namely, that an affected peculiar anxiety for the Irish peasantry should be put forth as the grounds of this attack. This pretence is utterly unfounded. Deeply and earnestly do I deprecate the results of the connexion between the Government and its Irish Parliamentary supporters ; as an Irishman, I lament them, because they are injurious to my country ; and as a Catholic I denounce them, as injurious to the character and efficacy of my religion : for believe me, that you wrong those laical and clerical leaders, if you imagine that the Protestant establishment is the only sufferer by their conduct. In this at least they have given no cause for jealousy ; for, I have not the least doubt that they have done more to “disturb and weaken” the Roman Catholic church in Ireland, and its legitimate discipline and authority, within the last two or three years, than has been done by all the Orangemen that ever were created.

I am not ignorant of the difficulties which beset a large portion of the Roman Catholic clergy of Ireland ; but they must wholly disregard the lessons of experience and of recent history, if they do not apprehend that the agitation with which too many of them are con-

nected may ultimately, and not remotely, be turned against themselves. There is not one amongst them that must not feel, in his heart, that this suggestion comes from a tried and trusty friend to themselves and their congregations,—a friend who never cajoled them, who never vilified them, who never compromised them, who never betrayed them. Can they say the same of their leaders ?

Nevertheless, Sir, some of the most prominent of those leaders are now associated with the labours of men, in high places, to bring the House of Lords into hatred and contempt with His Majesty's subjects, particularly in Ireland. Indeed, there is no apparent disinclination to admit the desire, though there may be an occasional relaxation in its pursuit. Those persons in high station, whose names I am prepared to set forth, should I obtain your permission to proceed in this inquiry, and furnish my proofs—those noble Lords and “honourable and learned” gentlemen manifest a coincidence, or rather concurrence, if not actual criminal combination, with other persons in this unjustifiable, unconstitutional, and mischievous attempt ; and it happens, most strangely, that those most forward are the very men whose official stations and obligations (if there be any respect or reverence due to the Whig precedents and authorities now before me) should induce them, nay, compel them, to be the most active and energetic in counteracting or correcting that attempt.

I demand some proof in support of the position so industriously circulated throughout Ireland, that the present Ministers have exhibited peculiar regard for the Irish peasantry—I deny it. The two most prominent occasions of the session connected with that order of my countrymen were, the starving condition of large numbers in my native county of Mayo, and the truly heart-rending scene at Rathcormac. As to the first, I can produce the testimony of their own friends and adherents in that county, to disprove any pretensions on their part to public gratitude ; and, further, I assert distinctly and positively, that when Mr. Crawford brought forward his proposition for the relief of the starving peasantry, he was not only not encouraged or sustained by the Ministers, or their Irish supporters in Parliament, but was actually thwarted and threatened with resistance by a large majority of them.

As to the afflicting collision at Rathcormac, I shall dispose of it, for the present, very briefly, by submitting some few questions to public consideration ; merely reminding you, in the first instance, that this calamity was, in Parliament, and upon all public occasions, the great stock-piece of Ministerial exhibitions, and is still referred to, in almost every instance, by themselves and their friends in the

press, and at public meetings, as an illustration of the wisdom of their policy.

First, then, I ask, how comes it that no Parliamentary inquiry has been instituted respecting that important subject? Why did all the Irish friends of Government neglect to demand such inquiry?

Secondly, why did not Mr. O'Connell move for such inquiry when the petitions of the relatives and friends of the deceased were placed in his hands, praying for such inquiry?

Thirdly, will any man believe that it was declined, in deference to the title proprietors who distrained; to the magistrates, or military, or police, who attended; or to the judges, or the grand jurors, to whom the question was submitted, and who decided adversely to the views of those Irish members?

Fourthly, and lastly, does any man doubt but that the inquiry would have been demanded and proceeded upon, if it had been expected to justify the Ministers and their Irish supporters?

I am not aware of any true and sufficient answer to these plain questions; but I am aware of facts, yes, recorded facts, which would lead me to doubt that any such answer can be given to them. Where, then, are we to trace the evidence of those advantages which we are told to recognize as resulting to the Irish peasantry from the connexion subsisting between the Ministers and those Irish members? Not in the Irish Church Bill, for the reasons already given, and which I am ready to sustain; neither is it to be found in the Registration Bill, for its most favoured clause appears to be eminent only in its fitness to kidnap the consciences of an excited population.

I am unwilling to trespass further upon your columns upon this occasion, but I cannot conclude without admitting that, in adopting this course, I am bound to be prepared with reasonable proof of every statement and suggestion which I offer. Be assured that there shall be no just cause for complaint on that point.

I have the honour to be, Sir, your obedient servant,
ENEAS MACDONNELL.

LETTER II.

SIR,

AVAILING myself of your indulgence, I beg leave to return to the most urgent topic of my former letter—the hostile proceedings against the House of Lords. I shall, at the outset, furnish a very brief summary of those attacks, in chronological order; which establishes the existence of that coincidence, or rather concurrence, if not combination, between members and high officers of the present Government, and other persons, for such purposes, particularly those servants of the Crown whose official stations and duties should make them the most active in resisting and correcting them—nay, further, it establishes that those high officers of the Crown actually commenced those proceedings, which were followed up by others; thus:—

Aug. 24—His Majesty's Prime Minister, Viscount Melbourne, menaced the Lords, at the conclusion of a debate on the Irish Church Bill.

Aug. 27—His Majesty's Prime Minister menaced the Lords, on his opening a debate on the English Municipal Corporations Bill.

Aug. 28—His Majesty's Attorney-General for England, Sir John Campbell, assailed the House of Lords, in vilifying, offensive, and unwarranted terms, in the House of Commons, in the presence and society of His Majesty's Ministers.

Sept. 2—Mr. Rippon, a supporter of His Majesty's Ministers, gave notice of bringing in a bill early next session, to remove the Archbishops and Bishops from the Upper House of Parliament.

Same day—Mr. Roebuck gave notice of bringing in a bill to take away the *вето* now possessed by the House of Lords, on all legislative measures.

Same day—Mr. Hume, a supporter of His Majesty's Ministers, gave notice of moving for a select committee to inquire into the numbers, qualifications, privileges, constitution, powers, immunities, and conduct of the Peers.

Sept. 4—Mr. O'Connell, supporter, patron, missionary, and prompter of His Majesty's Ministers, gave notice of moving for a select committee to inquire into the necessity of introducing the principle of representation into the House of Lords.

Sept. 8—Mr. O'Connell assailed the Lords in his letter to the Duke of Wellington.

Sept. 10—Mr. O'Connell assailed and denounced the House of Lords, at public meetings, in Manchester.

Sept. 14—Mr. O'Connell assailed and denounced the House of Lords, at public meetings, in Newcastle.

Sept. 17.—Mr. O'Connell assailed and denounced the House of Lords, at public meetings, in Edinburgh.

Sept. 18 — His Majesty's Attorney-General for Ireland, Mr. O'Loughlin, denounced the Lords, in a long detail of most unjust and unfounded imputations against their Lordships, and at the same time performed homage to Mr. O'Connell, then on his mission in Scotland; which denunciation, by His Majesty's Attorney-General for Ireland, was addressed to the electors of the borough of Dungarvan, at the opening of the election, for which he was duly rewarded, by being nominated by His Majesty's Ministers, in ten days after, a member of His Majesty's Privy Council.

Sept. 21—Mr. O'Connell assailed and denounced the House of Lords, at public meetings, in Glasgow.

Mr. O'Connell subsequently extended his mission to other parts of Scotland, denouncing their Lordships. Throughout his whole course he called upon his hearers to assist him in putting down the Lords, proclaimed himself to be the friend and ally, as he was the panegyrist, of His Majesty's Ministers, and designated himself as a missionary.

Oct. 1—Mr. O'Connell addressed a letter, since published, to Mr. William Roche, member for the city of Limerick, and supporter of His Majesty's Ministers, denouncing the Lords.

Oct. 4—Mr. O'Connell addressed a long harangue to the "Trades' Union" in Dublin, violently and virulently assailing the Lords collectively, and several individually, including the next brother of His Majesty.

Oct. 7—Mr. O'Connell's services in England, Scotland, and Ireland, were duly and openly recognized, honoured, and rewarded, by His Majesty's representative and Lieutenant in Ireland, the Viceroy and Chief-Governor, Earl Mulgrave, who invited the hon. and learned member to his society and table, at the same time that he was a constant visitor to the public offices of His Majesty's Castle of Dublin.

Oct. 12—Mr. Walker, member for the town of Wexford, a supporter of His Majesty's Ministers, assailed the House of Lords, at a public dinner in that town, stating that "Mr. O'Connell, as the Irish lion, would put his paw on them;" for which he has since been duly rewarded by being placed at the head of a newly created board of commissioners, concerning the fisheries.

Oct. 15—His Majesty's Principal Secretary of State for the Home Department, Lord John Russell, in an answer to an address, publicly assailed the Lords, as resisting the good measures of the Government.

Oct. 19—His Majesty's Attorney-General for England, Sir John Campbell, again assailed and denounced the Lords, at a public meeting in Edinburgh, convened by himself; this being nearly two months subsequent to his attack on the Lords from the Treasury bench of the House of Commons.

The subdued tone of Lord John Russell, on the 15th of October, and of the Attorney-General four days after, indicates an impression in high quarters, that Mr. O'Connell's mission was not successful. Accordingly, we find all recommendation of "organic changes" now declined, and the measures confined to mere charges of guilt; leaving to others to suggest the chastisement.

I shall now proceed to illustrate, more at large, the nature, injustice, and mischief of those proceedings against the Upper House of Parliament.

Aug. 24—His Majesty's Prime Minister, Viscount Melbourne, (as reported in the *Morning Chronicle*,) addressed the following language to the House of Lords:—"My Lords, the two principles involved in the bill have been *decided* by resolutions of the House of Commons. (cheers.) * * * I have *determined* that, if you carry this proposition, if you leave out this clause, I shall certainly not be a party to proceeding any further with the measure. (Loud cheering.) I shall decline to take any steps towards sending it back to the House of Commons in such a shape that it is impossible it can either, in point of form or principle, be agreed on." (Cheers.) Assuredly, this was menace and prostration of their Lordships, with a vengeance. There is no occasion to pass bills, or to appoint select committees, for "putting down the Lords," if this doctrine of the Prime Minister can be practically and uniformly enforced; for no legislative enactment could be devised or conceived, more complete, for the purpose of making the House of Commons every thing, and the Lords nothing. Such was the feeling of the noble Peers who were addressed, as I collect from the language of the Duke of Wellington, given in the same report, thus:

"The Duke of Wellington.—One word in consequence of what has fallen from the noble Viscount. The noble Viscount has stated what were his intentions, in case the proposition of my noble friend (Lord Haddington) shall be carried. * * * My Lords, I earnestly entreat, notwithstanding the *menaces* of the noble Viscount, and the noble learned Lord, (Brougham,) that you will agree to the motion of my noble friend."

It is worthy of observation, that Lord Melbourne did not deny, disclaim, or qualify the menace so directly imputed to him, or offer one word of explanation.

This conduct of the noble Lord does not accord with Whig precedent, or Whig principles, as expounded by Whig authorities. And first let us look to precedent.

In the year 1763, the House of Commons passed the following resolution, in reference to proceedings instituted against one of its members, Mr. Wilks:—

“29th November, 1763.—Resolved by the Commons, in Parliament assembled, that privilege of Parliament does not extend to the case of writing and publishing seditious libels, nor ought to be allowed to obstruct the ordinary course of the law, in the speedy and effectual prosecution of so heinous and dangerous an offence.”

The Commons prayed the concurrence of the House of Lords with their resolution, to which their Lordships, after conference, agreed. But a very long protest was entered upon their journals, by 17 Whig Peers, who declared their dissent, with many other reasons, in the following terms:—“Because it must be further considered, that this house is thus called upon to give a sanction to the *determination* of the other, who have not condescended to confer upon this point, till they had prejudged it themselves.”

Yet, although at that time it was not considered right or lawful, in a mere matter of privilege, so comparatively trifling, to admit the power of the Commons to “determine” or “prejudge it,” the Lords of the present day, when a question of the first importance is brought before them, are told in menacing terms, by the Whig Premier, that he will abide by the ‘decision of the other house,’ and insist that the Lords should stoop to have that most important question “pre-judged” by the Commons, without their presuming to exercise their legislative or deliberative functions respecting it. I do not think the voluminous report of the “Bribery and Intimidation at Elections Committee,” recently published, could furnish a stronger instance of intimidation, than was attempted to be practised on this occasion. But let us now turn to the Whig principles touching these points, as expounded by the most eminent Whig of our times—Earl Grey. On the 13th of June, 1827, the Corn Bill having been brought up to the Lords from the Commons, the Duke of Wellington moved an amendment, and the Ministers threatened to abandon the bill altogether, if the resolution proposed by the noble Duke were carried. Upon which Earl Grey observed, (*Hansard's Reports*)—“He had voted for the amendment, thinking it to be an improvement. Thinking as he did, that the manner in which the bill was introduced, in a season of clamour, was highly objectionable—thinking also that the Government was much to blame in listening to that clamour, it became

a question with him whether he could give it his sanction without too great a sacrifice of that interest which he was anxious to uphold. However, he acquiesced ; but never with the most remote idea that in any of the stages of the bill, the deliberative powers of that House should not be exercised ; and therefore it was that he voted for the amendment of the noble Duke ; every other part of the bill remained unchanged. It was simply this alteration with regard to bonded corn, that was objected to by noble Lords opposite, and he did not think that, in their view, such alteration could be supposed so far to vitiate the bill, if they considered it beneficial in other respects, as to make them feel it their duty to abandon it.” “ I have no doubt, (says his Lordship,) that he (the Minister) pursues that course from a sincere conviction that he is only discharging his duty ; but it is not a little extraordinary, that the amendment should be thought so to alter the bill, as to make it necessary that it should be abandoned. I do not think that any noble Lord who is held worthy of taking part in His Majesty’s councils, can act so unworthily as to abandon the bill, for the purpose of exciting the discontent of the country. All I shall say is this—that if it should produce that effect, I shall be ready to meet it. I stand here, one of a body which will always be ready firmly and honestly to resist such effects : which always considers anxiously and feelingly the interests of the people, even when it must oppose the people themselves, and which will never consent, under the influence of fear, to give way to clamour. (Cheers.) If I am told that we run the risk of having a worse bill, I shall never suffer myself to be intimidated by any such threat ; and if a worse bill should be sent up, I am sure your Lordships would pursue the same course you have pursued by the present bill. You would consider it, and you would amend it, and if you could not make it good, you would reject it. I have said this much, and I might say a great deal more. If there should come a contest between this house, and a great portion of the people, my part is taken ; and with that order to which I belong, I will stand or fall. I will maintain to the last hour of my life, the independence and privileges of this house.” (Cheers.)

Let it not be conceived that this was a hasty, inconsiderate ebullition of the noble Earl, and afterwards retracted, or modified, upon more mature consideration. By no means ; for in twelve days after, on the 25th of the same month of June, he again expressed his sentiments in the course of the proceedings on the Warehoused Corn Bill.

The noble Earl says—“ After what has fallen from the noble Duke (Wellington), I am sure there is no man with a spark of candour and honesty, who can say that the amendment was proposed with the in-

tion of defeating the bill. This has been, I know, calumniously asserted, but the calumnious assertion has been met by the indignation that it merited." After stating the grounds of the amendment on the Corn Bill, moved by the Duke of Wellington, the noble Earl proceeds—"Yet, for such a course of conduct was the noble Duke, and those who acted with him, visited with the most calumnious aspersions—aspersions, however, which no one had the indecency to cast upon him in this house. * * * In the deliberate judgment of the whole country, I am satisfied it will be admitted that we should have acted inconsistently with our duty as legislators, if, from the apprehension of such calumnious aspersions as I have alluded to, we had hesitated in the adoption of such amendments as we conscientiously conceived to be an improvement of the bill, and a corrective against possible dangers. But if this bill has been lost, it was not by this amendment. The bill was lost by the refusal of the noble Viscount to persevere in carrying it through with this amendment annexed to it. * * * Yet, it was given out that this bill was rendered necessary, in consequence of the passing that amendment in this house. What is this, I ask, but a wilful misrepresentation? A mistake may be set right, a prejudice may be removed, an argument may be combated by reason, but a determined spirit of misrepresentation could not be fairly encountered, for its malignity was only excited by every exposure of its falsehood. * * * One reason for withdrawing the late bill, it is alleged, was, that the amendment would be fatal to it in the other house of Parliament; and it was desirable that the privileges of the two houses might not be brought into collision. * * * As I have touched on the question of privileges, and as it is one on which great misrepresentation has gone abroad, I must remark that the late bill was unaccountably sent up to us a bill of supply," &c.

After repeating that the proceedings had been "calumniously misstated, and the consequence of that amendment exaggerated by persons who owed their very existence to the noble Duke," he proceeded—"I have little more to say, after having fulfilled the purpose for which I had risen—the attempt to set myself right with the house, and with the country, as to the part I have taken upon this subject; and what is more important, to vindicate the character and uphold the propriety of the proceedings of a majority of this house. * * * Popular rights I have ever upheld, whenever and by whomsoever they were assailed. I have made some sacrifices for them; I am ready to make more. At the same time, when I have met wild and extravagant claims and doctrines under the name of popular rights, I have not flinched from the obloquy to which an opposition to them may

have exposed me. To that obloquy I am as ready again to expose myself, as I am to endeavour to retrieve the constitution from those invasions which I have considered as most dangerous to popular security. But at the same time that we should be anxious to uphold the dignity of the Crown, and to protect the just rights of the people, we should remember that we as well as they have rights and privileges given to us, not so much for our benefit as for theirs; that we are an intermediate body, forming a link of connexion between both, and standing as a barrier to resist the encroachments of one upon the rights of the other. These respective rights I am anxious that all should enjoy."

Such was the language of Earl Grey in 1827, and I do not hesitate to desire your assent to this position, that it furnishes an admirable and, even in details, most appropriate lecture to our noble Premier and his Whig Cabinet at the present day. Indeed, I should recommend to those noble lords and right honourable gentlemen, to devote their first council to the perusal and consideration of this exposition of untainted old Whig principles.

Let it not be said, on their behalf, that the amendment moved by Lord Haddington was one which they could not consistently admit. The fact is directly the reverse, if we are to judge by their proceedings in the last year; neither should the resolution moved by Lord John Russell be set up as a ground of menace by the Ministers, as they found no difficulty in disregarding such incumbrances on the consistency of themselves or the House of Commons, when English objects were to be attained: I refer particularly to the English Corporation Bill. The average majority of votes on the Irish tithe question, in its various forms, in the last session, was about 30, including, in the number of voters, all the Roman Catholic members, not one of whom, in my opinion, should have voted. The majorities on several important questions embodied in the English Corporation Bill were not only equally large, but actually much larger—thus, June 30, the clause requiring qualification for town councillors was moved by Sir Robert Peel, and after a long debate rejected on a division; the numbers being—for the clause, 204; against it, 267; majority against the clause, 63. This qualification clause was again introduced into the bill by the Lords, and notwithstanding the majority of 63, was ultimately adopted by the Commons. Again, the Lords having rejected the provision by the Commons, that the councils should nominate the persons from whom the Crown should select justices, Lord J. Russell moved (on the 1st of September) that the provision expunged by the Lords should be reinserted in the bill, which, after a debate, was car-

ried; the numbers being, for the original clause, as inserted by the Commons, and rejected by the Lords, 161; against it, 69; leaving a majority of 95, or more than two to one in favour of preserving the clause. Nevertheless, the Lords (September 4) again expunged the reinserted clause of the Commons, and the Commons ultimately and speedily accepted the amendment of the Lords, vesting the right and responsibility of the selection of corporation justices absolutely in the Crown. I could refer also to the clauses respecting the arrangement of wards, the rights of freemen, the aldermen, and others, attended with similar circumstances, but I select these two, as to the qualifications of counsellors, and appointment of justices, because they were stated, at the time, to involve questions of principle, which they certainly did; and principle, too, upon which practical measures were to be immediately constructed.

The appropriation clause in the Irish Church Bill, and the resolution of Lord John Russell were nothing more than resolutions of the House of Commons, and were carried by trifling majorities, when contrasted with those majorities on the English Corporation Bill. Moreover, the appropriation clause was a mere question of principle, or rather "clap-trap," as the noble Premier would call it; for it was not even pretended that it would produce any immediate result, like the provisions in the English Corporation Bill; on the contrary, the notable alteration made in the bill by the Ministers themselves and the House of Commons, even before they sent it up to the Lords, proved that it could scarcely have been either intended or expected that such practical benefits would ensue; for the provision in the bill, as presented to the Commons, originally, that the surplus should be applied to purposes of education, was abandoned before it was brought up to the Lords, and another enactment substituted, providing that, "in consideration of" such surplus, there should be an annual grant of £50,000 out of the Consolidated Fund; and the mover of the alteration admitted that it was effected in consequence of the necessarily unavoidable scantiness of the surplus. Still, however, the principle of appropriating the church property to other than church purposes was, with other irrelevant matter, retained in the bill; and thus the adjustment of the tithe question was postponed.

I should not feel warranted in trespassing further upon your kind indulgence this day, and will therefore conclude with the renewed pledge of establishing, by proof, every statement or suggestion that I have offered.

I have the honour to be, Sir, your most obedient servant,

ENEAS MACDONNELL.

Manor-terrace Chelsea Nov. 11. 1835.

LETTER III.

SIR,

I PROCEED again in my exposure of the injustice of the attacks, the apparently organized and combined attacks, upon the House of Lords, and am compelled to direct attention, a second, time to those of the noble Lord, at the head of the Government.

August 27.—His Majesty's Prime Minister, as reported in the same Ministerial journal, addressed the House of Lords, thus:—"Viscount Melbourne (after rising to move that the report on the English Municipal Corporation Bill be brought up, and guarding against his being supposed to give any sanction to the amendments introduced by their Lordships, proceeded.) Considering, too, the strong feeling existing in the country on this subject, a feeling very much increased, allow me to say, by the sudden and unexpected manner in which the opposition to this measure has been made, and the alterations which have been introduced into it in your Lordships' house, I must beg leave also to say, that I cannot answer for *any* support being given in that House (of Commons) to these amendments *in toto*, or *any one of them*." Here, again, as in the case of the Irish Church Bill, the Prime Minister of the Crown declines to sanction any pretension, on the part of the House of Lords, to offer *any* amendment in an important bill sent up to them by the House of Commons.

I come next, in chronological order, to His Majesty's Attorney-General for England, Sir J. Campbell, who appears to have reversed his official course, according to the general, and I may be permitted to add, the constitutional, and legal--ay, and according to Whig doctrines, the right conception of his duties. If the reports of his speeches (for his attacks were repeated after a long interval) be correctly given in the public journals most favourable to himself and his party, I do no wrong to the learned knight when I state, that the first law officer of the Crown, the legal adviser of the King and of his Ministers, has sought to scandalize, asperse, and vilify, the House of Lords, as one of the houses of Parliament, and to bring it into hatred and contempt with His Majesty's subjects. I adopt the precise terms of complaint which he himself should and would adopt, were he directed by the Crown, upon an address from either house of Parliament, to exhibit a criminal information against any other person for the use of such language as he is reported, by the Government journals, to have repeatedly used—thus:

August 28th—(according to the report of the proceedings in

the House of Commons in the same Ministerial journal :)—“ *Committee to search the Lords’ Journals.*” — The Attorney-General said he rose, in pursuance of notice, to move for the appointment of a select committee to search the journals of the House of Lords, in order to ascertain, if possible, what had become of two very important measures sent from that House (the Commons) to the other. He hoped this motion would not be deemed disrespectful towards their Lordships, and that it would not be expected that after passing bills, and carrying them to the House of Lords, they might not reasonably feel disappointment at hearing no more of them. (Hear, hear.) A very important bill, as the House was aware—a bill for the abolition of imprisonment for debt, had passed from that house into the Lords : and as to that bill, he was in a condition to tell the House what had become of it. (Hear, hear.) He understood that that very important bill was not to pass their Lordships until they had examined witnesses upon it. Probably, in accordance with precedent, their Lordships would call to their bar, all the bumbailiffs, (a laugh,) all the gaolers, the gentlemen who served the useful purposes of sham bail, and all the attorneys, (continued laughter and cheers,) and from these truth-speaking and disinterested witnesses, their Lordships would no doubt hear that the law of arrest for debt was a most excellent law, that it never was in any one instance abused, and that it would give great dissatisfaction to the country if it were abolished, (continued laughter :) and upon such evidence, the Abolition of Imprisonment for Debt Bill would share the fate of other measures sent from that House to the Lords. The bills for the delivery of which he now moved the appointment of a select committee were two measures of considerable importance. They were—the bill regulating the law respecting the execution of wills, and the bill for the reforming of the law relative to executors and administrators. They passed on the 3rd of June, nearly three months ago. (Hear, hear.) What had become of these bills he did not know. He had seen the learned Masters in Chancery come to their table day after day, announcing that the Lords had passed this bill and that, but upon no occasion had he heard any mention of these lost measures. The only mode, therefore, by which they could gratify their curiosity upon the subject, was by acceding to the proposal he now made, of appointing a select committee to search the journals. Whether upon such search any trace of the bills would be found, or whether it would be discovered in what manner they had been burked, he could not tell.” I may here refer also to the language used by this high legal functionary when addressing the electors of Edinburgh, at a public meeting convened by himself, on

the 19th of October, after Mr. O'Connell's mission had concluded. I quote from the report of his speech in the London *Courier*, in which he is stated to have assured his auditory of the mischievous conduct of the House of Lords, imputing to their Lordships in their legislative capacity, "infatuation," and "obstinacy," adding that they "will learn nothing, and forget nothing." "He contended that the object of the Lords was to irritate and disgust the Commons, and to bring about a collision which would ultimately restore the Tories to power." He added, "The Lords have opposed, for years past, every liberal measure." * * * "You must not wonder that their Lordships should be a little restiff." * * * "Give us again our majority of 250, the Lords will give us no trouble at all." * * * "Let them find that they are very unpopular, and that their doctrines are exploded, you will find them extremely accommodating."

The time, the place, the circumstances for delivery of those sentiments, amid the cheers and laughter of his hearers, were chosen by himself as the most fit for announcing, on his return to the discharge of his official duties, the advice which he is disposed to give to his Royal master respecting a subject upon which he must be considered the most fit person to be consulted. Before I proceed to illustrate the utter injustice in form and substance of his charges, allow me to invite your attention to the legal and constitutional character of his language. In the second volume of Starkie's *Treatise on Libel*, pages 202, 203, and 204, I meet the following doctrine, viz. :—

"The same policy which prohibits seditious comments on the King's conduct and Government, extends to reflections on the proceedings of the two Houses of Parliament. These bodies, so essential a part of the constitution, are, at all events, entitled to reverence and respect on account of the great and important public services which they are bound to discharge," &c.

"William Owen (Michaelmas, 25 Geo. II., K. B., MSS. Dig. L. L. 67.) was tried upon an information exhibited against him, for publishing a malicious libel, entitled, 'The case of the Hon. Alexander Murray, Esq.' in an appeal to the people of Great Britain, &c. tending to scandalize and vilify the whole body of the Commons in Parliament assembled; to represent the proceedings in Parliament as cruel, arbitrary, and oppressive; to make it be believed that the Commons in Parliament assembled, had acted, in their legislative capacity, in open violation of the constitution; and also to represent the said House of Commons as a court of inquisition," &c.

Upon the publication of this alleged libel by the defendants, the "Commons" addressed the King, desiring His Majesty to give orders to prosecute the publisher, which was done.

Mr. Starkie next refers to Stockdale's case, which is more fully stated in the report of the trial, and in the periodicals of that time. It is eminently apposite; being a House of Commons, and purely Whig precedent.

14th February, 1788, the present Earl Grey being then a Member of the House of Commons, Mr. Fox complained of a pamphlet entitled "*A Review of the Principal Charges against Warren Hastings, Esq.*" from which the clerk, by his desire, read several passages, including the following, which appears to have been considered the most offensive,—namely, "No abilities, however great, no situation, however exalted, no services, however beneficial and meritorious, not even the smiles of the Sovereign, and the approbation of the people, could screen a British subject from impeachment."

I pray you, Sir, to contrast this language with the language of His Majesty's Attorney-General, in the House of Commons, and in Edinburgh, and bear in mind that the former was used by a Scotch parson in reference to an individual, and the latter by the first law officer of the Crown, in reference to the conduct of the Upper House of Parliament towards the whole body of His Majesty's subjects.

The following resolution, moved by Mr. Fox, and supported by Mr. Sheridan, and other Whig leaders, was ultimately carried on the 15th:—

"Resolved, that an humble address be presented to His Majesty, humbly desiring His Majesty that he will be graciously pleased to give directions to his Attorney-General, to prosecute *the author* or authors, printer or printers, and the publisher or publishers, of the said pamphlet, in order that they may be brought to condign punishment for the same," which was done accordingly.

Now, I am not so unmerciful as were the Whig leaders, and House of Commons of that time; for I do not mean to urge the House of Lords that they should desire His Majesty to "give directions to his Attorney-General to prosecute the author," plain Sir John Campbell, that he "may be brought to condign punishment."

The Attorney-General thereupon exhibited an information against Mr. Stockdale, the publisher, and the trial was had on the 9th of December, 1789.

The offence charged in the information was, that the pamphlet was intended to "aspersion, scandalize, and vilify the Commons of England, —to bring the Commons of Great Britain, in Parliament assembled, into hatred and contempt with the subjects of this kingdom, and to raise, excite, and create, most groundless distrust in the minds of all the King's subjects, as if from the profligacy and wickedness of the

Commons in Parliament, great injustice would be done," &c., "to the great scandal and dishonour of the Commons of Great Britain, in Parliament assembled, and in high contempt of their authority; to the great disturbance of the public peace and tranquillity of this kingdom; in contempt of the *present* sovereign lord the King, and his laws; to the evil and pernicious example of all others in the like case offending," &c.

Substitute but one word, "Lords," instead of "Commons," and the description is complete, of the language of His Majesty's Attorney-General. What other objects could he have contemplated?

The truly eminent and eloquent Whig barrister, Mr. (afterwards Lord) Erskine, counsel for Stockdale, having observed, that the prosecution was instituted by the desire of his political friends, told the jury that if they believed that the words were written with the intentions attributed to them, they had his full permission to find the defendant guilty.

I should not omit to add, that in both cases,—namely, of Owen and Stockdale—the prosecuting propensities of the Commons, and the Whigs, were corrected by the juries, who, in each instance, acquitted the defendant.

Having thus established, upon Whig or House of Commons precedents, and principles, the legal and constitutional character of the language of His Majesty's Attorney-General for England, I shall, for the present, confine myself to an undertaking to prove, by the very means and authorities to which he himself has appealed, that the attacks attributed to him, are, in all their details and bearings, destitute of the slightest foundation in justice or fact; and I shall, at the same time, to avoid repetition, notice the charges, equally criminal, because equally unjust, of His Majesty's Attorney-General for Ireland, against their Lordships: of which latter gentleman it may be truly stated, that there is not in the community, an individual less likely to make any advance, without previously ascertaining the circumstances of his position; and, therefore, the public may rest assured, that his hostile language towards the House of Lords, on the 18th of September, was in perfect accordance with his conception of the views of His Majesty's Ministers, and of His Majesty's representative in Ireland, of whom he is practically the principal confidential adviser.

I have the honour to be, Sir, your obedient servant,

ENEAS MACDONNELL.

LETTER IV.

SIR,

THE charge made against the House of Lords by His Majesty's Attorney-General for England, and His Majesty's Attorney-General for Ireland, to which I shall here particularly advert, is that of general neglect and delay of public business, and referring most prominently to the Imprisonment for Debt Bill, the Execution of Wills Bill, and the Executors Bill, upon which Sir John Campbell's denunciations were founded, and the several Irish bills upon the alleged neglect of which Mr. O'Loghlin dwelt with such acrimonious tediousness; concluding with that most unfounded, vilifying sneer, that "in truth they could not be expected to legislate in the month of August!"

The Imprisonment for Debt Bill was not brought up to the Lords until *the 17th of August*, when it was accompanied with seven other public bills, and at a time when the Lords were overwhelmed with other public business, as we shall see, very shortly; so that it was utterly impossible to give it due, if any, consideration; and we all know that Lord Brougham has repeatedly admitted, nay, proclaimed, that the postponement of that bill was resolved upon in pursuance of his advice and desire, and he claimed a right to control its management, as his own measure—his own Parliamentary property. Some, indeed, will have it believed, that this bill is not the only "good thing" that was once Lord Brougham's, which Sir John Campbell would consent to call his own, even though its possession might expose him to a painful association with those hated and horrible Lords! And even the story goes, that although in Edinburgh he repudiated the "Derby Dilly," nevertheless, he would not, in Westminster, object to travel for a stage in the Melbourne "Omnibus," (and verily it is an "Omnibus,") even though he should be taken up in Whitehall, and set down in Old Palace-yard.

Mr. Speaker was, not a little, in error, on the 28th of August, when he stated that the course pursued by Sir John Campbell in reference to the Execution of Wills Bill and the Executors Bill was the most usual course in such cases. In truth, I apprehend that it was, on the contrary, an unusual, if not an unprecedented course, to search the journals with the view of exciting complaint or hostility against the other House of Parliament.

In conformity with the desire of His Majesty's Attorney-General for England to "search the journals," I have examined them to the

extent of my means of inquiry : I have also sought information in those quarters which I considered most likely to furnish accurate results : and I could not discover a single instance of a resolution having been adopted by the Commons to “search the journals of the House of Lords,” except in a spirit of friendly adjustment, as a necessary preliminary to the re-instatement of a bill which had been interrupted in its progress by some formal difficulty, affecting the privileges of the House : whereas, in this case, no new bill was proposed or promised, and, in fact, the whole proceeding was one of sheer, gratuitous, unprofitable, offensive, hostility to the Lords.

Those bills were brought to the Lords on the 12th of June, and on the 22d of that month were, upon motion of Lord Brougham, referred to a select committee, *nominated by his Lordship, including himself and Lord Denman*. This fact was stated in the journals of their Lordships which were printed and published every day—nay, even on that very 28th of August, when Sir John Campbell proposed to “search the journals,” and grounded upon that proposition his vilifying denunciations of their Lordships, as detailed in my last letter.

Lords Brougham and Denman were successively chairmen of the House of Lords on the 26th and 27th of August, and Lord Denman was chairman on the 28th, when His Majesty’s Attorney-General made the attack. If his object had been any other than that imputed to him, why did not he communicate discreetly with those noble and learned Lords, or either of them, who could have given him more information, if he really desired it, in six minutes, than he could have obtained by searching the journals in the six days that intervened between his motion and his report, on the 3d of September, and which, report left him in the same position as that from which he started : except so far as it furnished another illustration of the fact, that his sole object and motive was to vilify and unjustly assail the Upper House of Parliament. It is now, as it was then, notorious that those bills were both postponed, on account of insufficiency of evidence, and absence of the judges on their circuits. Let us now “search those journals” and the reports in the Ministerial newspapers, still further, with a view to ascertain the real merits of those imputations of negligence of business, made against the House of Lords by His Majesty’s Attorney-General for England, and His Majesty’s Attorney-General for Ireland. Mark the results, in reference to one of the bills before it—the English Municipal Corporations Bill—

August 1.—Counsel were heard on the English Corporations Bill.

August 4.—The principle of that bill was debated.

August 5, 6, 7, and 8.—Witnesses were examined during nearly the whole of each day

August 12.—The bill considered, in committee, till twelve o'clock at night.

August 13.—The bill further considered, till twelve o'clock at night.

August 14.—Further considered, from eleven o'clock in the morning till a late hour.

August 17.—Further considered, till twelve o'clock at night.

August 18.—Further considered, till twelve o'clock at night.

August 25.—Report brought up and considered, till twelve o'clock at night.

August 27.—Report received and considered till two o'clock the next morning.

August 28.—Bill read the third time and passed, with amendments.

Here we find this indolent and negligent House of Lords engaged in consideration of the principle and details of a most important measure, for fourteen days of this idle month of August! Nay more, Sir, in that same month of August, the House of Commons sent up to the House of Lords no less than 55 new bills, and of these 50 were public bills, including the Imprisonment for Debt Bill, the Irish Church Bill, the Irish Corporations Bill, the Irish Constabulary Bill, the Irish Registration of Votes Bill, and the Dublin Police Bill, upon the neglect of which important Irish measures His Majesty's Attorney-General for Ireland dwells in such melancholy sneer.

If His Majesty's Attorney-General for England should adopt his own rule, and "search the journals," he will arrive at the following result as to the new bills sent from the Commons to the Lords in that month of August:

Day of Month.				No. of new bills sent up.	Day of Month.				No. of new bills sent up.
3d	..	..	3	3	18th	..	..	6	
4th	..	..	3	4	20th	..	..	11	
5th	..	..	2	5	21st	..	..	4	
6th	..	..	1	6	24th	..	..	3	
12th	..	..	2	12	25th	..	..	2	
13th	..	..	4	13	27th	..	..	2	
17th	..	..	8	17	29th	..	..	4	

Here, then, are 55 new bills, including 50 public bills, kept back till the month of August by the House of Commons, for the despatch of which 50 public bills, the King's Ministers, and particularly His Majesty's Attorney-General for England, and His Majesty's Attorney-General for Ireland, being both in attendance, as members of Parliament, should be held pre-eminently responsible. To whom now, I confidently ask, should the charge of neglect be justly imputed—whether to the House of Lords, or to their accusers?

Look, again, to the Irish bills upon which His Majesty's Attorney-General for Ireland has raised his unwarranted charges against the Lords; at a time when he would have been much more fitly occupied in offering some apology for his own neglect of them;—

			Presented to the House of Commons.	Brought up to the House of Lords.
Irish Church Bill	..	..	July 9	August 13
Irish Corporations Bill	..	..	July 31	August 18
Irish Constabulary Bill	..	..	August 10	August 20
Irish Registration of Votes Bill	..		August 12	August 29
Dublin Police Bill	..	..	August 17	August 27

Have not my cajoled and compromised countrymen a right to inquire, “Can all this be true; and, if true, why is it so? Where were all our liberal members, where was our Liberator, where was our Attorney-General, where was our Lord of the Treasury, Mr. O’Ferrall, where were ‘the only English Ministers that ever were friends to Ireland?’” Sir, the whole thing is a factious combination to embarrass the House of Lords, and a cruel mockery of my country. What can those men think of laws, or legislation, or legislators—their duties, their qualifications, or their deliberative functions, who sport with public interests and public feelings in the manner thus plainly and unanswerably illustrated? The managers of this course appear to have held back all the principal public measures, particularly all Irish measures, for the purpose of overburdening the House of Lords at the end of the session, and with the ultimate design of aiding every effort to bring that House, unjustly, into hatred and contempt with the people.

If you “search the journals” for the month of July, you will find that no more than ten public bills were sent up by the Commons to the Lords in that month—namely, two on the 7th, two on the 9th, one on the 10th, one on the 13th, two on the 14th, and two on the 22d, the total being less than the number sent up on a single day in the latter end of August, the 20th. Really, the question should be asked, and answered too—Why were all the Irish bills kept back till the close of the session?

“Search again the journals,” and you will find another proof of the grievous and gross injustice of the charges made against the Lords by His Majesty’s Attorney-General for England, of “burking” to use his classical phrase, the bills sent up from the Commons; and by His Majesty’s Attorney-General for Ireland, of a determination not to do any business in August. The following table, even if it stood alone, would fix the true character of those imputations; it sets forth the number of bills sent to the Lords, and returned by their Lordships, passed, unaltered, or amended, in that month:—

Day of Month.	Bills returned unaltered.				Bills returned amended.				Total.
3d	1	..	..	2	..	..	3
6th	4	..	..	1	..	..	5
7th	2	..	..	1	..	..	3
10th	2	..	..	0	..	..	2
11th	1	..	..	0	..	..	1
13th	4	..	..	1	..	..	5
17th	2	..	..	0	..	..	2
18th	3	..	..	0	..	..	3
20th	1	..	..	0	..	..	1
21st	0	..	..	3	..	..	3
24th	1	..	..	1	..	..	2
25th	1	..	..	1	..	..	2
28th	12	..	..	9	..	..	21
29th	1	..	..	2	..	..	3
			<hr/>				<hr/>		<hr/>
			35		21		56		

Here we find 56 bills that had come up from the Commons, duly passed and returned by the Lords in that “burking” month of August! and you observe that 21 of those bills were so returned on the 28th, the very day upon which His Majesty’s Attorney-General for England assailed their Lordships with vilifying imputations of disregard of measures sent up by the Commons—nay, as appears upon “searching the journals,” before he uttered one word of that vituperative attack.

It may, however, be supposed by well-meaning, but not equally well-informed persons, that the House of Lords may have imposed similar difficulties in that month on the House of Commons, by sending an equal, or perhaps greater, number of new bills to them, within that period. The fact is directly the reverse. The Lords sent only seven new bills to the Commons in August, including three private bills, and the last was sent on the 11th of that month; whereas we have seen that the Commons sent up to the Lords no less than forty-six new bills after that day, including the Imprisonment for Debt Bill and *all* the important Irish bills. We should also bear in mind that while their Lordships were so much engaged in the discharge of their legislative and political duties in that month, some of them were occupied, during 15 days thereof, in hearing and determining appeals from the superior courts throughout the united kingdom.

Have not I, Sir, now redeemed my pledge to prove by the means and authorities appealed to by His Majesty’s Attorney-General for

England, that the charges of indolence, neglect, and inefficiency, made by him and the Attorney-General for Ireland, are destitute of the slightest foundation in fact or justice? Let them now "search the journals" with what appetite they may. I shall next, very briefly, develop the substantial evils of some of those Irish bills, over the loss of which we are told to mourn, in sorrowful lament.

I have the honour to be, Sir, your obedient servant,

ENEAS MACDONNELL.

8, Manor-terrace, Chelsea, Nov. 20, 1835.

LETTER V.

SIR,

WE have seen that the three bills upon the postponement of which His Majesty's Attorney-General for England grounded his specific, vituperative denunciations of the House of Lords, were so postponed by the desire of the supporters of the Ministers in that house, and that not one resolution, or other act, was passed or done against either of them, by their Lordships. Let us now, having put that hon. and learned Knight "out of court," turn to His Majesty's Attorney-General for Ireland, somewhat more directly than I have hitherto noticed that right hon. gentleman.

He commenced his attack, 19th September, on the Upper House of Parliament, with a reference to the "Roman Catholic Marriages Bill," which he says was a "measure intended for the benefit of Ireland," and "received the support of Ministers," but was rejected by the Lords. He represents it to be not only an important bill, but one very urgently required. This bill was "prepared and brought in" by himself and Mr. Lynch, on the 27th of March. It contained only twenty-three lines. Now, Sir, mark the progress of this important and very urgent bill, and the extent of Ministerial support which it received.

It was detained in the House of Commons till the 1st of July, when it hobbled up to the House of Lords, thus having rested in the Commons for ninety-five days, being an allowance of something more than four days for the consideration of each line of the bill, in the Lower House. Nor were those days expended in effecting amendments, for it went out of the Commons precisely as it entered that House, unaltered in a single line, word, or letter. Having crawled up to the House of Lords, His Majesty's Ministers in that house, who, we are assured, supported it, allowed it to rest there for five or six weeks longer, till the 11th of August, when it was at length submitted to the consideration of their Lordships, without any the slightest alteration, since it was introduced to the Commons, on the 27th of March, nearly five months before. The Upper House was at that time literally overwhelmed with public business, in consequence of the arrangement and management of the Ministers and their supporters, to embarrass that house; and they, most properly, resolved not to pass such a bill, affecting such serious and complicated interests, without giving it more consideration, than it was possible for them to give it, at so late a period of the session, under such circumstances. Every fair and

candid person will enquire why was this bill, if so important, and so urgent, kept back by Mr. O'Loghlen, one of the two members who prepared it, and brought it in on the 27th of March? Why was it kept from the view of the Lords till the 11th of August, when no amendment or alteration of it had been made, proposed, or intended, for nearly five months? But, Sir, this is not all: this most notable Marriage Bill, so "prepared and brought in," by His Majesty's Attorney-General for Ireland, and Mr. Lynch, another hon. and learned supporter of the Ministers, did not contain even a preamble to explain its remedial objects, nor any provision of any kind, against clandestine marriages, by publication of bans, or registry, or any other means.

Never, in fact, was there exhibited a more crude or pitiable specimen of legislative bungling; resembling, in form, a Russian ukase, and in substance, the postscript of some political pedler's epistle. But the Hon. Attorney-General for Ireland tells the Electors of Dungarvan that the Ministers gave it their support. The whole of that support, and the whole proof of their sense of the necessity for the bill, consisted of *fifteen votes*, by themselves and their friends, for its second reading! Yet His Majesty's Attorney-General for Ireland puts the circumstances connected with this bill forward in the very front of his attack on the Lords. Why was it kept back by him, unaltered, from the 27th of March, till the 11th of August? Why did not the boasted support of the Ministers extend beyond fifteen votes? These are questions to which the deluded electors of Dungarvan have now a right to demand an answer.

The next attack of His Majesty's Attorney-General for Ireland, and upon which he dwells at much length, and with much emphasis, refers to the "Irish Registration of Votes Bill." I challenge the annals of factious impeachment, for a more unwarranted proceeding than this attack on their Lordships. In fact, and truth, the fault was all his own. The objects of this bill came immediately, and especially, within his official and professional charge, and it was "prepared and brought in" by himself, and another legal supporter, or officer of the Government, and was therefore conducted under his peculiar management; and how does he deal with it? He keeps it back altogether from Lords and Commons, till the 11th of August, when it is introduced, for the first time, to the Commons, where it was detained for eighteen days, till the 29th of August, and then, when the conclusion of the session was daily expected, sent to the Lords, but no time proposed by the Ministers for its second reading, till the 30th, when it was fixed that it should be read a second time on the 2nd of September! Their Lordships most properly determined not to decide upon

the principle or details of so important a measure, without sufficient consideration, which it was utterly, literally impossible for them to bestow upon it, at that late period of the session. Again I ask, why was this bill held back by His Majesty's Attorney-General for Ireland, until so late a period? This bill establishes, perhaps unintentionally, that it is the opinion of the House of Commons that the Irish £10. qualification, which was originally proposed by Mr. O'Connell, should be estimated, pursuant to the bill of 1829, according to the rent which a solvent tenant could afford to pay for the same, over and above the rent which the person, so claiming to register, is liable to pay. The bill purports to repeal this provision, which, of course, it need not have done, if it were not deemed by the Commons to be now valid, and of full force and effect. This is a practical point of no inconsiderable importance, at this moment. The bill also seeks to provide, that henceforth the interest of the claimant to register, shall be calculated "to be the profit and *advantage* derived by such person, out of such premises, or *by means thereof*."

Mr. O'Loghlin calls this defining "more precisely" what the beneficial interest is. His notions of "precision" must be strange indeed. I think, on the contrary, that whatever may have been the intention of the framer, the laxity of the provision is, as stated in my first letter, eminently fitted to kidnap the consciences of an excited population.

I solicit your attention now to the spirit of jobbing, patronage-creating, and actual despotism displayed in this and two others of the bundle of bills sent up to the Lords by the Ministers—namely, the Irish Constabulary Bill, and the Dublin Police Bill; every one of which purports to have been "prepared and brought in" by this assailant of their Lordships, associated with other members or officers of the Crown. Take them collectively, and they furnish the following bill of fare, presented by the "only English Ministers that were ever friends to Ireland:"—

1. The Lord-Lieutenant to appoint 11 revising barristers,	£.	s.
with annual salaries of £300. each	3,300	0
2. The Lord-Lieutenant to appoint one General Police Superintendent, at an annual salary of	1,000	0
3. The Lord-Lieutenant to appoint one General Police Inspector, at an annual salary of	600	0
4. The Lord-Lieutenant to appoint 33 local Inspectors, with annual salaries of £500. each	16,500	0
5. The Lord-Lieutenant to appoint 33 local Paymasters, with annual salaries of £100 each	3,300	0

6. The Lord-Lieutenant to appoint two Justices for Dublin, with annual salaries of £800. each 1,600 0
7. The Lord-Lieutenant to appoint one Receiver for Dublin, with an annual salary of 461 11
8. The Lord-Lieutenant to appoint 132 Inspectors of Police, salaries not specified; but estimated, with other advantages, at £300. a-year each 39,600 0
9. The Lord-Lieutenant to appoint 594 Chief Constables of Police throughout Ireland, their salaries not stated, but to be determined by him.

10. The Lord-Lieutenant to appoint all constables and sub-constables, under the Constabulary Act, throughout Ireland.

11. The Lord-Lieutenant to fill up all vacancies of constables and sub-constables throughout Ireland.

12. The 33 local inspectors of police, so appointed by the Lord-Lieutenant, to be, *ipso facto*, justices of the peace, without any other qualification.

13. The Lord-Lieutenant is empowered to appoint the 132 sub-inspectors to be justices of the peace, without any other qualification.

14. The 33 local inspectors, appointed by the Lord-Lieutenant, are the only persons authorized to make out the list of persons from whom the sub-constables are to be selected.

Here, indeed, is a notable combination of patronage and power devised by the “only English Ministers that were ever friends to Ireland.” We have 214 new places created, with salaries averaging £300. a-year each. We have next 165 stipendiary magistrates, without any other qualification but their offices; and all the constables and sub-constables, of every class and grade, to be appointed by the Lord-Lieutenant, and amounting, I believe, at present, to about 5,000 men, with power to him to increase the number, to any extent. This is a system of military despotism, constructed under the name and pretence of a constabulary bill, which would have been completed if the Lords had not, most providentially, interposed. Those Ministers who were so anxious to divest the Crown of its prerogative in the election of justices for corporations, and who profess to desire that the laws for Ireland should be assimilated to those of England, would, nevertheless, vest the appointment, not only of justices of the peace, but also of superintendents, inspectors, chief constables, and sub-constables, for Ireland, in the Lord-Lieutenant: and, while they are

anxious to vest in the small householders of corporations the power to select the names from amongst which the Crown shall nominate the justices of the peace, will not suffer a bench of justices in Ireland to appoint a single sub-constable, or even to make out, or assist in making out, the lists of names of persons qualified to act as such sub-constables. Would they—dare they, in their spirit of assimilation, propose to establish a similar system in England, and to degrade and distrust the English gentry, in such a vilifying fashion?

This wicked attempt is made by men who claim to be considered peculiar friends of the Irish peasantry. Impudent and unfounded pretence! There never existed a British Government less deserving of such a recognition. Their colleagues, who, in 1831, evinced benevolent dispositions towards that class of my countrymen, are now no longer connected with the Government,—I allude to Lord Stanley and Sir James Graham, whose conduct formed a marked contrast to that of the present Premier, then Principal Secretary for the Home Department. The same disregard of the famishing people was manifested in the present year. The budget, no doubt, disclosed a great concession, the only one to Ireland, of £500., being a remission of taxation, to that extent, for arbitration stamps. Why, Sir, we collected more than this amount in our parish of Chelsea, on one Sunday, at the different places of public worship, for my afflicted countrymen, in 1831. But I need not call in the aid of such evidence to disprove these pretensions of the Ministry and their supporters; for, in the Irish Peace Preservation Bill, of the present year, we find the Government, to use the words of Lord Brougham, “leaning with all the weight of their loins” upon the peasantry, without imposing the slightest restraint, control, or check, upon the more exalted disturbers who excite them.

Such, Sir, are some of those bills, for the rejection or postponed consideration of which, we are taught to denounce the members of the House of Lords as enemies to Ireland!

I had hoped to conclude with this letter, but find it impossible to avoid requesting your indulgence for one more, in reference, particularly, to the Irish Church Bill, and the conduct of the noble Lord, His Majesty’s Principal Secretary for the Home Department, in relation to that measure, and the House of Lords.

I have the honour to be, Sir, your obedient servant,

ENEAS MACDONNELL.

Manor Terrace, Chelsea.

LETTER VI.

SIR,

HIS Majesty's Attorney-General for Ireland, in common with all the other assailants of the House of Lords, refers to only two other measures upon which to rest his charges against that House—namely, the Irish Corporation Bill, and the Irish Tithe Bill. After dwelling upon the evils of some of the corporations in that country, he says to the electors of Dungarvan—"The House of Commons passed the bill which would remedy those evils, but it did not receive the sanction of the Lords."

Here is another instance and illustration of the spirit of this most strange combination against the Upper House of Parliament. Still, yielding to the monition of His Majesty's Attorney-General for England, I have thought it right to "search the journals," and I find that this important bill was not introduced to the notice of either House of Parliament until the eve of the 1st of August, although, owing to the unhappy state of society in my country, it involved matters of peculiar difficulty and delicacy, in addition to those involved in the English Corporation Bill. It did not reach the Lords till the 18th of August, when there were fifty or sixty other bills before that House; and the most astounding fact of all is this—that their Lordships, not only did not refuse their sanction to it, or withhold their sanction from it, but that they were not even required or invited by the Ministers, or by any one else, to bestow their sanction or even their consideration upon it. For we find, on "searching the journals" for the last day of the session, that this bill was still "waiting for second reading" in the Lords! Mark, Sir, His Majesty's Attorney-General for Ireland appears, by the endorsement on the bill, to have been one of the four members who prepared and brought it in!

We come next, and lastly, to the Irish Tithes Bill, the great gun of the besiegers of the House of Lords. The primary, ostensible, and only urgent object of that bill was the adjustment of the tithe system in Ireland; and the first question in the opinion of every just man must be—Did the Lords really refuse their sanction to that proposition? I answer, no, certainly not: on the contrary, it is made a ground of imputation, by all the official assailants of the House of Lords, that they acceded to it; and their patron, in his letter to the Duke of Wellington, that most suitable prologue to his missionary exhibition, completely, though no doubt unintentionally, justifies that

illustrious Irishman and their Lordships against all opponents, when he says, "You have unanimously adopted so much of that tithe bill as related to the income and payment of the clergy of the establishment, in Ireland." * * "You accepted, adopted, and even urged forward, the tithe regulation clauses of that bill." * * "You and your Lords actually agreed to reduce the Protestant clergy from every £100 to £72. 15s.,—that is, a loss of £27. 5s. upon every £100 of LEGAL INCOME. This plan you and your Lords not only agreed to this year, but urged on the Government to adopt it."

Never again, let it be said, that the fault, nay, the crime, the guilt, of postponing the adjustment of this tithe question should be attributed to the Duke of Wellington, or to the Lords, or to the Right Honourable Baronet, Sir R. Peel, with whom they acted, and all of whom went such lengths to effect it. No, Sir, the fault, the crime, the guilt, is with those who, in order to secure the gratification of their own factions longings, associated with it, under pretences of regard for the Irish peasantry, other principles, by no means necessarily connected with that object; well knowing, at the same time, that those principles would not be recognized, and that their introduction would prevent that adjustment, and that if they were adopted they would not produce any, the least, practical benefit to the present generation of the Irish people.

Let us now turn, for a moment, to some of the provisions of this bill, objected to by the Lords, and in support of which the Roman Catholic members of the House of Commons exercised their privilege of speaking and voting, in opposition to, or perhaps, I should say, in ridicule, it should seem, of my suggestions.

The preamble sets forth—"Whereas it is just and necessary for the establishment of peace and good order in Ireland, and conducive to religion and morality, that after adequate provision made for the spiritual wants of the members of the established church, the surplus income of such parishes shall be applied to the moral and religious education of the people, without distinction of religious persuasion."

The 61st section provides, that "upon the next vacancy of the church of any parish in which there are not more than 50 members of the established church, such church may be sequestered." This provision is stated to involve 860 parishes.

The first thing to be observed is, that those provisions, be they wise or unwise, necessary or unnecessary, in themselves, have no *prima facie* connexion with the adjustment of tithes; inasmuch as it is not proposed that there should be any variance of the tithe system in those parishes from the other parishes of Ireland. In fact, the tithe

adjustment might be settled just as well without those provisions as with them; and, on the other hand, those provisions might be enacted just as well without the adjustment of the tithe question as with it. They are not so much connected as the "execution of wills" and the office of "executors or administrators;" and yet we have seen the provisions as to those subjects made the subject of two separate bills by the House of Commons.

The members, be they Protestant or Roman Catholic, who supported those provisions in the Irish Tithe Bill, obviously determined to the extent of their means what should be deemed the "spiritual wants" of the members of the established church, what would be a sufficient supply of it, and the amount of funds necessary or fitting to secure that supply. They also decided, by themselves or by commissioners appointed by them, what should be considered a surplus of the church property; and they actually alienated from the church a portion of that property and appropriated it to others, particularly Roman Catholics; at the same time that they sequestered 860 Protestant churches in Ireland!

The question is not here, whether such arrangements would be in themselves right or wrong, but the question, and it is a most serious one, is, whether Roman Catholic members are at liberty to participate in the same manner as Protestant members in legislating for such purposes. It is scarcely necessary for me to declare that I should not feel myself at liberty to do so, consistently with the oath provided to be taken by Catholic members, or consistently with the promises and pledges made by the Catholics of the united kingdom before emancipation, even if that oath had not been considered by me to have so expressly provided against any legislation by us, upon the interests of the church establishment. I have noticed very lately several most just and proper appeals to the terms of the Roman Catholic oath, by eminent laymen and ecclesiastics of my communion, for the vindication of their character against severe impeachments. Surely, it will not be insisted that the sole object of the Protestant Parliament, who framed that oath, was to provide a means of defence or justification for Roman Catholics, without any regard to its influence upon Protestant interests, or that the Protestant should not appeal to it for the protection of Protestant church property, as well as the Catholic for the protection of Catholic church character.

This impression is not weakened by a reference to the spirit in which that legislation was conducted, as illustrated by Mr. Sheil, in his speech on this bill, on the 23d of last July, according to his own corrected report of that oration, in which he designates the church,

upon whose affairs he is legislating, as “the church on which a faction fattens, by which a nation starves; the church from which no imaginable good can flow, but evil after evil, in such black and continuous abundance, has been for centuries, and is to this day, poured out; the church by which religion has been retarded, morality vitiated, atrocity has been engendered.”

I do not presume to enter into the feelings of the members of that church, or of this honourable and learned ally of His Majesty's Ministers; but I well know from experience, that no Irish Roman Catholic would endure to have his church, or its interests, administered, controlled, or in any way interfered with, by Protestants professing such sentiments respecting it. We all well know, that, in consequence, chiefly, of the charges of superstition and idolatry, made against the Catholic church in the Protestant oath, the great body of the Roman Catholics of Ireland resisted every attempt made by their Whig friends, and certain gentlemen of their own communion, whose names may not be unknown to the leaders of our day, to invest our Protestant Government with any right of interference in our ecclesiastical affairs. Not content with petitions to the Crown, and to the two Houses of Parliament, we despatched our remonstrances, not particularly civil either, to our own prelates, to cardinals, and even to the sovereign Pontiff himself, to whom we deputed a representative, as bearer of an appeal, which I myself had prepared, and which was adopted by our community. With these recollections still fresh in my mind, I find it impossible to discover or conjecture any, the slightest, reason, or suggestion, that could justify, or sanction, ever so remotely, my adoption, or approval, of that course which others (far more wise, confessedly, than me) have felt themselves at liberty to pursue.

I am aware that this bill purports to make the report of the Irish Church Inquiry Commissioners a final standard of the number of members of the established church in the several parishes: but no man can seriously place trust in such pretensions of permanent settlement. Nothing, in truth, can be truly called final in our time, and, in this case, it would be gross injustice to establish such final standard, if once the principle be admitted, of making the sequestration dependent solely upon the fact of there being less than fifty members of the established church in the parish. What then will be the almost necessary result of this benevolent provision, of our Ministers, for “the establishment of peace and good order in Ireland?” The Protestants will feel, naturally feel, interested in the increase of members of their communion, in those 860 parishes, and others nearly alike. The resident Protestant landlord, and his Protestant neighbours, will

naturally desire to secure regular and respectable church service, for themselves and their families, and the other Protestants in the parish, and the fewer they are, the more they will excite sympathy and fellowship. Thus will he find strong inducements to prefer Protestant to Catholic tenants, servants, shopkeepers, artisans, and labourers, of every description. The same inducements will, without doubt, operate upon the Protestant gentry, and others of that communion; and thus we shall have the worst spirit of the penal code revived. Next will come wrangling inquiries into the religious faith of individuals, in which, the clergy, on all sides, will be most injuriously involved, as has been the case during the progress of that Irish church commission. The Catholic priest will be called upon to take a lead. If he should interfere, he will become odious to one party; if he should refuse to interfere, he will become still more odious to the other party: there will be appeals through the press, and petitions to Parliament, the discord will soon catch the sympathies of neighbouring districts, and, not infrequently, extend to the whole country, with all the concomitant agitation of meetings, speeches, resolutions, and so forth; and all this, we are innocently assured, is beneficial to the Irish peasantry, and necessary for the permanent settlement of tithe revenue in Ireland; with which it really has just as much connexion, as with the "permanent settlement" of land revenue in India. Therefore do I feel, that I was well warranted, when I stated, in my first letter, that "any bill containing such clauses, instead of being considered a measure of concession and pacification, should be deemed, and entitled, a bill to perpetuate religious and political discord and discontent in Ireland, and to place the Roman Catholic clergy of that country in a position most painfully invidious and embarrassing."

This, Sir, is the last of the bills (English and Irish) that have been selected, as furnishing special grounds for the termagant impeachment of the House of Lords. I have demonstrated, that, in ALL these matters, they stand upright, pure, "without reproach:"—they owe it to their own order, whose fame and efficiency are thus vilified;—they owe it to their Sovereign, whose counsellors, by the laws and constitution of this ancient realm of England, they are appointed to be, and whose essential prerogative of their elevation is now assailed; and, above all,—they owe it to the people of this united kingdom and its dependencies, for whom they legislate, confer, and adjudicate, to prove that, in these times of perilous trial, they stand also firm, "without fear." They may feel assured, that their fellow-subjects do not wish that bills, deeply affecting public interests, shall waddle, in short and gonty paces, through the Commons, and then, when carried to the Upper

House, be required to change their crutches into stilts, and stride through all their stages unchecked, uncorrected, and unconsidered.

The noble Lord, His Majesty's chief Secretary for home affairs, in his answer to the address presented to his Lordship, on the 15th of October, states, that the principal measures of the Government "were calculated, in their opinion, to strengthen the bonds of union between different parts of the empire; to solve perplexing difficulties; to secure the participation of the people in the benefits of institutions intended for their use; to promote freedom, order, morality, and religion." There can be no doubt, that any body of men, capable of opposing a factious resistance to measures so meritorious, would deserve, not only the denunciation of Lord John Russell, but the execration of mankind. The noble chief Secretary proceeds to say, that some of those measures, "after receiving the sanction of the Commons, have been defeated, (ay, the word is "defeated,") by the resistance of another branch of the legislature;" meaning, of course, the House of Lords. Here, indeed, is grievous impeachment, by the principal adviser of His Majesty, upon all matters of internal policy and regulation; and thus does the noble Secretary complete the proof of that alarming position, with which I set out,—that "it happens most strangely, that those (noble Lords, and hon. and learned gentlemen) most forward (in their attacks on the Lords) are the very men whose official stations, and obligations, should induce them, nay, compel them, to be most active and energetic in counteracting or correcting that attempt." The utter injustice of the denunciation, is already abundantly proved; and I own, that I rejoice rather than repine, in feeling that I am therefore relieved from the necessity of dwelling more at length upon this painful topic.

I cannot, however, entirely overlook another passage in his Lordship's reply to the address, wherein he says—"I may be permitted to observe, that the same party which prompted and led this resistance, have been opposed to every liberal measure which has been proposed for the last seven years." Now, Sir, I, in my turn, humbly crave, that "I may be permitted to observe," that the case, if correct, is not singular, if he extends his notices only one year. Will the noble Whig permit me to remind his Lordship, that when, on the 28th of May, 1827, Lord John Russell moved his resolution for the disfranchisement of the notoriously corrupt borough of Penryn, he was opposed by his noble colleague, the present Principal Secretary for Foreign Affairs; by his other noble colleague, the present Principal Secretary for Colonial Affairs; and by his noble colleague and chieftain, the present Prime Minister? I may be permitted to observe also, that on the 3rd of that month, Lord John Russell characterized the Whigs generally, (according to *Hansard's*

Reports) in the following style:—"He, himself, some few years since, had expressed his wish that the whole of the party with whom he usually voted, should unite to promote the cause of Parliamentary reform; but it then appeared, not only that most of the leaders of that party were desirous that it should not be made a party question, but that the Whig party, if they should come in as a party, would be opposed to it, or to any other measure having Parliamentary reform for its object." Bravo, Whigs! say I; Oh most consistent Lords and Gentlemen! Really the noble Secretary should not so entirely disregard the old saying about "men in glass-houses," &c.

The noble Lord takes some pains to relieve his Government from the reputation, or, as he seems to consider it, the imputation, of being allied with Mr. O'Connell. This is neither very grateful, nor very deferential towards their patron; but good friends may, no doubt, sometimes agree, for their joint purpose, to make free with one another, before the public. We should not forget that the mission, and the missionary, were in a state of collapse, when the noble Lord spoke of him; and, if report speak truly, it was known to his Lordship, that an official first-class Treasury traveller had been unsuccessful in his labours, to induce the Whig gentlemen of Edinburgh to receive their august ally with becoming awe and gratulation.

There is, really, something too waggish in this attempt to persuade the public, that a strict concord and alliance does not exist between Mr. O'Connell, and His Majesty's Ministers. The facts, the undeniable facts, and dates which I have set forth, particularly in my second letter, establish the point; even if we had no other evidence on this apparently now most tender subject. But we are not confined to conjectures or conclusions. His Majesty's Attorney-General for Ireland says of Mr. O'Connell,—“I know of no person whose assistance in the preparation of a bill affecting Ireland, would be more valuable;” and Mr. Sheil, who knows all the facts as well as any man can know them, disclosed the whole case, in his speech to his constituents, at Thurles, on the 29th of September, after Mr. O'Connell had concluded his mission in England and Scotland. The hon. and learned member for Tipperary, expressly and emphatically announced the fact, thus:—"The Irish party met at Lord Lichfield's—the result was a complete amnesty—a most unqualified reconciliation; and I have further to state, that the advice of Mr. O'Connell, and some other members, was mainly instrumental in bringing it about. Lord John Russell was called to our head, and we stood before Sir Robert Peel the most firm, the most united, the most concentrated body that ever appeared in opposition. * * * I have seen the conduct of the Ministry, for I have watched it

narrowly, and I, for one, will co-operate with Daniel O'Connell, in lending my aid to support and maintain it in the place it now holds." It cannot be seriously considered necessary to add one word more, in illustration of this alliance.

Sir, in May, 1833, and in December of last year, when submitting to my countrymen some reflections on our position, I commenced my address, on each occasion, by reminding them of the strong political and personal claims of his present Majesty, to our gratitude, respect, and confidence; in consequence of his timely and conclusive speech in support of our Relief Bill, on the memorable 22nd of February, 1829. I shall now conclude these letters with some of those extracts from that gracious speech, with which I then commenced, adding only my earnest prayer, and still fondly cherished hope, that my countrymen, when truly informed, will rise from their ignoble thralldom, to a second emancipation, and justify the confidence, and the pledges, of their Royal advocate; who, in the fullness of his heart, addressed to the House of Lords, and, through them, to the whole community, the following soul-stirring appeal:—"It was merely an act of justice to raise the Roman Catholics from their present state of degradation. It was that, and nothing more; and when an act was passed for that purpose, he would pledge his life that it would have the effect of *uniting and quieting* 8,000,000 of His Majesty's subjects. * * * Unquestionably, he never had given a vote with so much satisfaction, as he should feel in voting, on every occasion, in support of the contemplated measure. * * * During all his professional experience, he could bear testimony to the character, to the energy, to the bravery, and to the thorough good humour, of Irishmen. * * * He thanked his God, that the measure of justice was at length to be carried into effect, which would *tranquillize* that dear, and generous, and aggrieved country."

I have the honour to be, Sir,

Your obliged and obedient servant,

ENEAS MACDONNELL.

Manor Terrace, Chelsea.

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